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Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Note verbale dated 6 April 2010 from the Permanent Mission of Mauritania to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Islamic Republic of Mauritania to the United Nations has the honour to inform the President of the General Assembly that the Government of Mauritania has decided to present its candidature to the Human Rights Council for the 2010-2013 term at the elections to be held in New York in May 2010.

In this regard, the Permanent Mission of Mauritania has the honour to transmit herewith an aide-mémoire containing the obligations and commitments of Mauritania in promoting and protecting human rights (see annex).

Mauritania attaches great importance to the purpose for which the Human Rights Council was established by the General Assembly on 15 May 2006 and is fully committed to its objectives. Mauritania would therefore like to make its contribution to the Human Rights Council, which is the body responsible for strengthening the promotion and protection of human rights around the globe.

The Permanent Mission of Mauritania wishes to draw to the attention of the President of the General Assembly that Mauritania is a candidate to the Human Rights Council for the first time and requests that Mauritania be registered on the list of the candidates for election to the Human Rights Council in May 2010.

The Permanent Mission of Mauritania would be grateful if the present note verbale and its annex could be circulated as a document of the General Assembly.

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Annex to the note verbale dated 6 April 2010 from the Permanent Mission of Mauritania to the United Nations addressed to the President of the General Assembly

Note on the implementation of Mauritania's obligations regarding the promotion and protection of human rights

I. Introduction

General Assembly resolution 60/251, establishing the Human Rights Council in 2006, reminded all the States of the necessity to contribute to the promotion, protection and defence of human rights in the world. This goal draws on the efforts of each State domestically, but also on collective actions internationally, which allow all the States volunteering for it to contribute within the international bodies and mechanisms that are mandated to ensure the implementation of international commitments with respect to human rights. Among these bodies and mechanisms, the Human Rights Council stands as a major tool, as it offers to States becoming members the opportunity to contribute to giving effect to the goals that are sought.

Mauritania, being anxious to contribute to this collective effort, intends to seize this opportunity, through its candidacy to the Human Rights Council, to lend its support to the cause of human rights and complete the action of promotion and protection of human rights.

This struggle for human rights has been evidenced in the constant support bestowed upon the bodies of the United Nations, the African Union and the League of Arab States, which are in charge of human rights. This true commitment was concretely reflected in the substantial role that Mauritania played within the African, Arab and Islamic groups when it was a member of the United Nations Commission on Human Rights in Geneva from 2004 to 2006.

Within the framework of its efforts, Mauritania has undertaken to modernize its internal array of prescriptions and to promote the broadest adherence to the main international instruments related to human rights. This prescriptive process is the result of fruitful cooperation with the mechanisms and bodies of the United Nations treaties establishing the promotion and protection of human rights. It also reflects a will, on the part of the authorities, to implement the international commitments to which Mauritania has subscribed.

This will is structured around the consideration of all aspects of human rights, especially the economic and social aspects, which aim at giving effect to human rights through their broadest access by citizens.

The present document briefly presents the main accomplishments in Mauritania with regard to the promotion and protection of human rights. It outlines the institutions working in the field of human rights and highlights Mauritania's contribution to international cooperation in this respect. Finally, it emphasizes the status of ratifications of the main international instruments by Mauritania in this respect.

II. Domestic prescriptive framework for the promotion and protection of human rights

Mauritanian legislation establishing the promotion and protection of human rights was significantly strengthened by constitutional guaranties and by laws and regulations that were gradually added to modernize this arsenal.

1. Civil and political rights

Civil and political rights constitute an important component in national legislation related to human rights. The body of rights known as civil rights and political rights is indeed enshrined in various texts.

The right to equality between individuals and the right to non-discrimination in all its forms

This right has been guaranteed in all areas, political, economic, social and cultural. The enactment of the Law 025-2003 of 17 July 2003, establishing suppression of human trafficking and the Law of 2007 criminalizing slavery constitute substantial progress within this legislation.

The right to not be detained arbitrarily, to not be subjected to torture and to be granted a fair trial

These principles represent the most important guarantees and protections against arbitrariness and against denial of fundamental rights. Therefore, the Constitution, in its article 91, states that no one can be arbitrarily detained; and that the judiciary branch, guarantor of individual freedom, ensures respect for this principle under the conditions stated in the Law.

Freedom of thought, of expression, of association and of reunion

In its preamble, the Constitution of Mauritania guarantees political freedom and freedom to organize in unions. Under the provisions of article 10 of this Constitution, the State guarantees the freedom of opinion and thought, of expression, reunion and association. Several laws regulate the conditions for exercising these freedoms.[1]

Civil and political rights are recognized by the Constitution and are exercised under the conditions laid down by the laws. These different texts guarantee the participation of citizens in public life, without restrictions other than those aiming at ensuring the protection of national interest, order, public security, national unity and territorial integrity.[2]

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[1] Law 64.098 of 9 June 1964, on associations (amended) and Law 2000.043 of 26 June 2000, on development associations; Law 73.008 of 23 January 1973, on public meetings; Order 91.023 of 25 July 1991, on the freedom of the press; Law 93.038 of 20 July 1993, on the freedom to organize.

[2] Order 87.289 of 20 October 1987, establishing municipalities; Order 91.027 of 7 October 1991, establishing organic law concerning the election of the President of the Republic; Order 91.028 of 7 October 1991, establishing organic law concerning the election of the National Assembly deputies; Order 91.029 of 7 October 1991, on the election of senators; Order 94.011 of 15 February 1994, on the election of the senators representing Mauritanians established abroad; Order 91.024 of 25 July 1991, on political parties; Laws 27, 28 and 30 of 7 July 2000, guaranteeing financing of the activities of political parties according the electoral results and introducing the system of proportional representation along with the election on a majority basis.

The penitentiary system and human rights

The penitentiary system of Mauritania is governed by Decree 98.078 of 26 October 1998, establishing the organization and functioning of penitentiary institutions and social rehabilitation institutions. The internal regulations of penitentiary institutions are governed by Decree 70.153 of 23 March 1970. The reference to social rehabilitation concerns all the activities organized in the prison environment and designed to facilitate, at the end of his detention, the social rehabilitation of the inmate.

2. Economic, social and cultural rights

The right to work, the right to organize and the right to social security

The right to work is recognized for all Mauritanians, from the preamble of the Constitution of 20 July 1991.

The freedom to organize is enshrined in article 10 of the Constitution and reiterated more explicitly in article 1 of the Law 93.038 of 20 July 1993, as well as in the provisions of International Labour Organization Convention No. 87 on freedom of association and protection of the right to organize of 1948, ratified by Mauritania in November 1963. As for the right to social security, it is guaranteed by article 38 of the Law 93.09 of 18 January 1993.

The right to a decent standard of living, the fight against poverty and the right to development

Poverty and underdevelopment constitute two major obstacles to fully ensuring the right to a decent standard of living and the right to development. Accordingly, since 1994, Mauritania has begun to elaborate a strategy for fighting against poverty, which led to the adoption in January 2001 of a strategic framework for the fight against poverty. The goal of this document was to anchor growth in the economic sphere of the most vulnerable groups, and to develop human resources and improve access by the poor to basic social services.

This strategy has enabled the country to reach positive results in the fight against poverty. In this way, the different profiles of poverty have demonstrated that, with the implementation of national policies, a decline in poverty has been observed in the past decades.

The right to education and the fight against illiteracy

This right has been enshrined by its insertion in the Constitution. It is part of the most important "social and economic rights" to implement concretely. In Mauritania it has been strengthened, since 2001, by the Law 2001-054 of 19 July 2001, which mandated basic education. Thanks to the implementation of this legislation, Mauritania qualified in 2003 for the accelerated girls' education initiative (fast track). The fight against illiteracy also constitutes a priority for governmental action.

The protection of the rights of vulnerable groups

Mauritania is particularly focused on women, children and the elderly as well as on handicapped persons, who are among the most vulnerable groups of

Mauritanian society. All targeted programmes aimed at fighting against poverty that are undertaken by the Government have as a purpose the social well-being and the satisfaction of the rights of these categories of persons. A specific Ministry is in charge of the families, the women and the children.

The respect for international humanitarian law and the protection of the rights of refugees and displaced persons

Mauritania has undertaken, in collaboration with the United Nations High Commissioner for Refugees, the voluntary and organized repatriation of all Mauritanian refugees in Senegal and in Mali. This operation, which began in January 2008, has allowed the repatriation of almost 20,000 of these refugees to the national territory. A national agency for the reception and reinsertion of these refugees was created and endowed with important financial means with a view to ensuring dignified living conditions to returning persons and to providing them with the means to undertake income-generating activities.

Regarding asylum of its territory, Mauritania has modernized its legislation and reorganized the conditions, allowing that all the persons who must be provided with international protection be guaranteed dignified conditions.

Finally, regarding the past violations of human rights, it must be emphasized that, at the national level, significant progress has been achieved, thus representing a total break from a past fraught with violations of human rights. This has resulted in the settlement of the issue known as "humanitarian liability" generated by the events that took place. In this respect, the victims' legal successors were asked forgiveness; a memory duty and a reparation duty were obtained as part of the final settlement of this issue.

III. Institutional framework for the promotion and protection of human rights

Several institutions have been created, allowing the Government to fulfil, in optimal conditions, the commitments and obligations regarding the promotion and protection of human rights.

1. The Commission for Human Rights, Humanitarian Action and Relations with Civil Society

This mission of the Commission is to initiate a national policy of promotion and protection of human rights in a participatory and concerted approach and also to ensure the monitoring of all the international commitments made by Mauritania with respect to human rights. The Commission symbolizes Mauritania's commitment to design and implement actions of promotion and protection giving effect to basic human rights.

2. National Commission for Human Rights

It was instituted on the basis of the "principles" of the Conference of Paris in 1991. Independent from public authorities, the mission of this advisory institution is to alert and advise the Government and to review the latter's actions on aspects related to human rights.

3. The National Council for Childhood

The National Council for Childhood is an advisory body established within the Ministry in charge of families, women and children. Its mission is to assist the Government with the crafting of policies related to childhood.

4. The Ombudsman

This institution is directly involved in the process of regulating rights and duties and is also involved, through its reports presented to the President of the Republic, in diagnosing the dysfunctions of institutions that are likely to negatively affect human rights.

5. Civil society organizations

This network's density and the way it is networking society predisposes it to play an essential role in the promotion and protection of human rights. Public authorities have institutionalized the relationship between public administrations, particularly the Commission for Human Rights, Humanitarian Action and Relations with Civil Society, in order to involve civil society organizations in the implementation of human rights programmes.

IV. Contribution to international cooperation as part of the promotion of human rights

Within the framework of cooperation and dialogue with the bodies in charge of treaties and special procedures, Mauritania has submitted several reports to different committees (Committee on the Elimination of Discrimination against Women, Committee on the Elimination of Racial Discrimination, Committee on the Rights of the Child, Committee on Economic, Social and Cultural Rights), with a notable progression of submissions since 1998. Mauritania has also received several special rapporteurs and working groups, within the framework of the evaluation of the human rights situation in the country. Among the visits relevant to special procedures in Mauritania, the following should be mentioned in particular:

- The Special Rapporteur on the rights of refugees, displaced persons and asylum seekers in Africa, in 2007
- The Special Rapporteur on the contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in January 2008
- The Working Group on Arbitrary Detention, in February 2008
- The Special Rapporteur on contemporary forms of slavery, in October 2009

In September 2009, Mauritania signed an agreement with the Office of the United Nations High Commissioner for Human Rights concerning the opening of an office representing this institution in Nouakchott (country office).

Mauritania will be the subject of an assessment of the human rights situation within the framework of the universal periodic review during the ninth session of the Working Group on the Universal Periodic Review, from 22 November to 3 December 2010.

V. Status of ratifications by Mauritania of the main international instruments on human rights

Legal instruments	*Date of ratification*
African Charter on Human and Peoples' Rights, 26 June 1981	26/6/1986
International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965	13/12/1988
International Convention on the Suppression and Punishment of the Crime of Apartheid, 30 November 1973	13/12/1988
International Pact of Civil and Political Rights, 1966	17/2/2005
International Labour Organization Convention No. 111 on discrimination in respect of employment and occupation, 25 June 1958	8/11/1963
International Convention against Apartheid in Sports, 10 November 1985	13/12/1988
Convention on Slavery, 1926	6/6/1986
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	17/12/2004
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 6 September 1956	6/6/1986
Protocol Amending the Slavery Convention, 25 September 1962	6/6/1986
Convention Relating to the Status of Refugees, 28 July 1951	5/5/1987
Protocol to the Convention Relating to the Status of Refugees, 31 January 1967	5/5/1987
Convention on the Political Rights of Women	4/5/1976
Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979	20/5/2000
International Convention on the Rights of the Child, 20 November 1989	8/4/1991
Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969	22/7/1972
Convention (No. 4) on night work (women), 1919	20/6/1961
Convention (No. 6) on night work of young persons (industry), 1919	20/6/1961
Convention (No. 29) on forced labour, 1930	20/6/1961

Legal instruments	*Date of ratification*
Convention (No. 41) (revised) on night work (women), 1934	20/6/1961
Convention (No. 87) on freedom of association and protection of the right to organize, 1948	20/6/1961
Convention (No. 89) on night work (women) revised, 1948	8/11/1963
Convention (No. 90) on night work of young persons (industry), 1948	8/11/1963
Convention (No. 105) on abolition of forced labour, 1957	3/4/1997
Convention (No. 182) on the worst forms of child labour, 1999	3/12/2001

VI. Commitments

Mauritania's candidacy to the Human Rights Council reflects the will to pursue the objective of contributing to a better promotion and protection of human rights in the world. It aims at strengthening the momentum for international cooperation between all countries and international mechanisms in charge of these questions.

By becoming a member of the Council, Mauritania is committed to fulfil its international obligations and to carry out the mandate and the mission that the General Assembly has assigned to this important institution. In particular, Mauritania will make sure to:

- Contribute to better promotion and protection of human rights in the world
- Strengthen the momentum for international cooperation between all countries and international mechanisms in charge of these issues
- Favour the anchoring of a culture of human rights in the world
- Promote bringing together cultures and peoples and rooting a culture of peace
- Support the efforts of the Office of the United Nations High Commissioner for Human Rights as well as those of the mechanisms and procedures of the Human Rights Council and of the bodies of treaties